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**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

DWIGHT C. BRUNOEHLER,

Plaintiff,

vs.

JEREMY R. TARWATER; CHARLES  
E. KEOPKE; TEN UNKNOWN  
AGENTS OF THE FEDERAL  
BUREAU OF INVESTIGATION;  
AND TEN SUPERVISORY AGENTS,

Defendants.

CASE NO. 15-CV-00688

**COMPLAINT FOR DAMAGES AND  
ATTORNEYS' FEES UNDER U.S.  
Const. Amends. IV and V and under  
*Six Unknown Named Agents of the  
Federal Bureau of Narcotics v. Bivens*,  
403 U.S. 388 (1971)**

**JURY TRIAL DEMANDED**

1 Plaintiff Dwight C. Brunoehler hereby alleges upon information and belief:  
2

3 **I. JURISDICTION AND VENUE**  
4

5 1. This Court has jurisdiction over this action under 28 U.S.C. § 1331, as this  
6 action arises under the laws of the United States of America.

7 2. Venue is proper in the Central District of California because the Defendants  
8 either reside in the Central District or are subject to personal jurisdiction there as  
9 provided in 28 U.S.C. § 1391(c). Further, most of the events or omissions set forth in this  
10 Complaint occurred in the Central District. 28 U.S.C. § 1391(a) (2).  
11

12 **II. PARTIES**  
13

14 3. Plaintiff Dwight C. Brunoehler is a citizen of the United States, and a  
15 resident of the State of Florida. Mr. Brunoehler held the positions of *Chief Executive*  
16 *Officer* and member of the Board of Directors for Biostem US Corporation from June  
17 2011 until March, 2013. Prior to that, Mr. Brunoehler served as an advisor and held  
18 executive roles with several international companies operating in the biotech field.

19 4. Mr. Brunoehler founded *Cryobanks International* in 1993 and served as its  
20 President and CEO until 2008. He positioned Cryobanks to become one of the world's  
21 largest banks for donated unrelated umbilical cord blood. He developed partnerships  
22 between Cryobanks International and physicians and hospitals worldwide to further  
23 advance the usage of cord blood stem cells for transplant and non-controversial life  
24 enhancing research. He assisted numerous state legislators in drafting laws where  
25 expectant mothers were educated and informed of the benefits of cord blood donation. He  
26 was instrumental in drafting the first state cord blood awareness legislation of its kind in  
27 Illinois and Wisconsin.  
28

5. During his career, Mr. Brunoehler coordinated numerous research and  
development partnerships to develop therapeutic benefits of cord blood stem cells. He is a

1 past member of *The Cord Blood Work Group* and the *Finance Sub-Committees of the*  
2 *World Marrow Donor Association*. He has been an active member of the *American*  
3 *Society of Hematology* and a founding member of the *International Cord Blood Society*.

4 6. Mr. Brunoehler has lectured in numerous hospitals and universities  
5 throughout the world on cord blood donation. He engineered a worldwide network of  
6 licensed facilities to grow the inventory and availability of cord blood, where the first  
7 three locations opened in: **Athens, Greece, New Delhi, India and Bangkok, Thailand.**  
8 The Athens location became the first facility in Europe to be accredited by the American  
9 Association of Blood Banks.

10 7. Prior to his work at Cryobanks International, Mr. Brunoehler participated in  
11 a wide variety of successful ventures. He owned and operated many different businesses  
12 and held executive level positions in marketing, public relations and new product  
13 development capacities in both established and start-up companies, including seven years  
14 with the Bell System.

15 8. Among his many recognition awards are the *March of Dimes Corporate*  
16 *Volunteer of The Year Award*, and the *Florida Public Relations Association Golden*  
17 *Image Award of Distinction* for his work in promoting corporate volunteerism  
18 nationwide. He is a graduate of the *University of Central Florida*, and in 2007 was the  
19 keynote speaker at the commencement celebration for advanced degrees in the health  
20 sciences sector.

21 9. Defendant Jeremy R. Tarwater was at all times relevant to this Complaint a  
22 Special Agent with the Federal Bureau of Investigation (FBI) and based in its Los  
23 Angeles Field Office.

24 10. Defendant Charles E. Keopke was at all times relevant to this Complaint a  
25 Special Agent with the Federal Bureau of Investigation and based in its Los Angeles  
26 Field Office. Defendants Tarwater and Keopke are herein referred to as the (Named  
27 Agents).

28 11. Defendants Ten Unknown Agents of the Federal Bureau of Investigation  
(Unknown Agents) true names' are unknown to Brunoehler and sues them under these

1 fictitious names. Brunoehler alleges that these Unknown Agents are responsible in some  
2 manner for the acts and occurrences alleged within this Complaint. The acts and  
3 omissions of these Ten Unknown Agents were a substantial factor in causing  
4 Brunoehler's damages as each Defendant acted in concert with the others. Their names  
5 of the Unknown Agents shall be added to this Complaint as their identities become  
6 known.

7 12. Mr. Brunoehler also alleges that supervisory personnel within the FBI and  
8 other agencies of the United States, particularly the Department of Justice (hereinafter  
9 referred to "Unknown Supervisory Personnel"), had responsibility for the implementation  
10 of personnel and policies concerning warrants, the supervision of the FBI Field Office in  
11 Los Angeles, and of the Named Agents and Unknown Agents.

12 13. It is believed that Unknown Supervisory Personnel have personal knowledge  
13 of the facts alleged herein and have by action or inaction encouraged, permitted, and  
14 condoned the unconstitutional acts of the Named FBI Agents and Unknown Agents.

### 15 III. COMMON ALLEGATIONS

16 14. On February 13, 2013 Mr. Brunoehler was wrongfully arrested — without  
17 probable cause and in violation of his right to Due Process of law — in his home in  
18 Florida under a sealed indictment (dated January 29, 2013). Brunoehler was indicted  
19 (along with other persons not parties to this action) by a Federal Grand Jury for *inter alia*,  
20 conspiracy to commit securities fraud and related offenses. U.S. District Court Judge  
21 Stephen V. Wilson dismissed the action against Brunoehler and the remaining unpled  
22 Defendants on March 25, 2014 on the Government's motion after extensive briefings and  
23 after holding several days' hearings on motions to suppress wiretap evidence." At the  
24 time of his arrest, Brunoehler knew nothing of the indictment, or that he was a target of a  
25 federal investigation or that his phone conversations with some of the defendants in that  
26 case were being taped, under an improperly obtained wire-tap warrant obtained by the  
27 FBI.

28 15. The Supreme Court of the United States in *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971) held that a violation of a

1 person's constitutional rights by federal officers, acting under color of federal law, gives  
2 rise to a federal cause of action for damages for the unconstitutional conduct. As such,  
3 victims of a violation of the United States Constitution by a federal officer have a right  
4 under *Bivens* to recover damages against the officer in federal court despite the absence  
5 of any statute conferring such a right.

6 16. Mr. Brunoehler further alleges that the FBI agents named above, along with  
7 other Unknown Agents and Unknown Supervisory Agents, while acting within the course  
8 and scope of their employment with the Federal Bureau of Investigation, violated his  
9 rights guaranteed by the Fourth and Fifth Amendments to the United States Constitution  
10 when Mr. Brunoehler was: (1) subjected to wiretaps of his telephone conversations  
11 without probable cause; (2) was subjected to search warrants seeking documents of his  
12 that the FBI searched for in the homes of some his co-defendants in the underlying case;  
13 (3) when Mr. Brunoehler was indicted without probable cause; and (4) when Mr.  
14 Brunoehler was arrested without probable cause and deprived of his liberty and his right  
15 to Due Process of law.

16 17. The Constitutional rights under the Fourth and Fifth Amendments at issue  
17 were clearly established at all relevant times in this Complaint.

18 18. At all times herein mentioned, the Named Agents, Unknown Agents, and  
19 Unknown Supervisory Personnel were, and are, investigative or law enforcement officers  
20 as defined in 28 U.S.C.A. § 2680(h) of the FBI, the Department of Justice, and the Office  
21 of the United States Attorney for the Central District of Los Angeles. Each is an agency  
22 of the United States, acting within the course and scope of their employment with the  
23 United States.

24 19. Mr. Brunoehler claims damages under *Bivens* for any and all actual,  
25 compensatory, and punitive damages to which he is entitled by federal law including  
26 general damages, special damages and emotional distress damages, attorney fees, and  
27 costs according to proof at time of trial.

28 20. The United States is a sovereign governmental entity that has been engaged  
in, among other things, investigating and prosecuting violations of federal law (found,

1 *inter alia*, in Title 18 of the United States Code).

2 21. The United States of America performs these activities by and through the  
3 following agencies: Federal Bureau of Investigation (FBI); the Department of Justice, and  
4 the Office of the United States Attorney for the Central District of California.

5 22. At all times herein mentioned, the Named Agents and Unknown Agents  
6 were employed by the FBI. The acts of the named Agents and Unknown Agents were  
7 done under the color and pretense of the statutes, ordinances, regulations, customs, and  
8 usages of the United States of America. Each of the Named Agents and Unknown Agents  
9 is sued individually in his or her capacity as a federal officer within the meaning and  
10 scope of *Bivens*.

11 23. Mr. Brunoehler is informed and believes and thereon alleges that, at all  
12 times herein mentioned, the Named Agents, and Unknown Agents, and Unknown  
13 Supervisory Personnel were officers, employees, agents, and/or representatives of the  
14 United States Federal Bureau of Investigation, the Office of the United States Attorney  
15 for the Central District of California which is a subdivision of the United States  
16 Department of Justice, an agency for the United States of America.

17 24. Mr. Brunoehler is informed and believes and thereon alleges that the Named  
18 Agents, Unknown Agents, and Unknown Supervisory Personnel were acting within the  
19 course and scope of employment of the FBI or the Office of the United States Attorney  
20 when they sought and obtained warrants to record Mr. Brunoehler's telephone  
21 conversations, search private property for his documents, indicting him and arresting him  
22 on February 13, 2013 without probable cause and without Due Process of law.

23 25. Mr. Brunoehler is informed and believes and thereon alleges that, at all  
24 times herein mentioned, Unknown Supervisory Personnel were supervising officers,  
25 managers, employees, agents, representatives, or policy makers of the United States  
26 Federal Bureau of Investigation, the Office of the United States Attorney for the Central  
27 District of California, and/or the U.S. Department of Justice with both apparent and  
28 actual authority for setting down and implementing FBI operating policies, procedures,  
and practices.

1           26. Mr. Brunoehler is informed and believes and thereon alleges that Unknown  
2 Supervisory Personnel instituted and maintained the existence of the United States FBI  
3 policies, practices, and procedures; the purpose of some of which was to approve, ratify,  
4 and condone acts of misconduct of agents within the ranks of the FBI.

5           27. Unknown Supervisory Personnel have ignored a pattern of constitutional  
6 violations at the FBI's Los Angeles Field Office and, despite knowledge of such  
7 violations, failed to act to prevent the violation of Mr. Brunoehler's constitutional rights  
8 by the names Agents and/or Unknown Agents.

9           28. The Named Agents, Unknown Agents and Unknown Supervisory Personnel  
10 engaged in a pattern and custom where they became aware of and/or engaged in fostering  
11 a climate in which the constitutional rights of United States citizens were infringed. This  
12 was a contributing factor to the violation of Mr. Brunoehler's constitutional rights  
13 resulting in his arrest on February 13, 2013.

14           29. The Named Agents, Unknown Agents and Unknown Supervisory Personnel  
15 are individually responsible for the violations of Mr. Brunoehler's constitutional rights  
16 since they are a contributing factor to the Agents' misconduct.

17           30. In the January 29, 2013 indictment, Mr. Brunoehler was alleged to have  
18 issued press releases which contained material false and misleading information, and  
19 omitted material information, as part of a "Pump and Dump" scheme. As set forth in  
20 Defendant Koepke's February 11, 2013 Declaration in support of an application for a  
21 search warrant, seeking, *inter alia*, documents concerning Mr. Brunoehler, a "Pump and  
22 Dump" scheme is one where a company "issues press releases announcing supposedly  
23 positive developments to the public, which coincide with the positive stock  
24 recommendations and analysts reports and the corresponding rise in the price of the  
25 company's stock. When the investing public purchases these stocks, the co-conspirators  
26 sell their shares in coordination and stop promoting the stocks (the "dump") illegally  
27 profiting at the investor's expense."

28           31. But Mr. Brunoehler had never sold any stock he owned in Biostem, and  
information he caused to be disseminated in press releases was true. The Named Agents,



1 Unknown Agents and Unknown Supervisory Personnel had no probable cause to believe  
2 that Mr. Brunoehler was involved in any Pump and Dump” scheme, or committed any of  
3 the other violations of law alleged against him in the indictment, to obtain any search  
4 warrants, to listen to his phone calls, indict or to arrest him.

5 32. On March 15, 2011, Agent Tarwater caused to be filed an affidavit he signed  
6 with U.S. District Court Judge Dale S. Fischer in support of an application to wiretap  
7 certain target telephones. But the wiretap application did not demonstrate probable cause  
8 to support the requested order. The wiretap order was issued that same day. Agent  
9 Tarwater knowingly providing material false and misleading statements in his affidavit  
10 for the purpose of inducing Judge Fisher to issue the wiretap orders.

11 33. On April 13, 2011, Agent Keopke caused to be filed an affidavit he signed  
12 for continued interception of telephone conversations with U.S. District Court Judge Dale  
13 S. Fischer in support of an application to continue intercepting communications from  
14 target telephones. But the wiretap application did not demonstrate probable cause that an  
15 order should issue. The wiretap order was issued that same day. Agent Keopke  
16 knowingly providing material false and misleading statements in his affidavit for the  
17 purpose of inducing Judge Fisher to issue the wiretap orders.

18 34. On May 15, 2011, Agent Tarwater caused to be filed an affidavit he signed  
19 with U.S. District Court Judge Dale S. Fischer in support of an application to wiretap  
20 additional target telephones. But the wiretap application did not demonstrate probable  
21 cause that an order should issue. The wiretap order was issued that same day. Agent  
22 Tarwater knowingly providing material false and misleading statements in his affidavit  
23 for the purpose of inducing Judge Fisher to issue the wiretap orders.

24 35. On May 12, 2011, Agent Keopke caused to be filed an affidavit he signed  
25 for continued interception of telephone conversations with U.S. District Court Judge Dale  
26 S. Fischer in support of an application to continue intercepting communications from  
27 target telephones. But the wiretap application did not demonstrate probable cause that an  
28 order should issue. The wiretap order was issued the next day. Agent Keopke knowingly  
providing material false and misleading statements in his affidavit for the purpose of



1 inducing Judge Fisher to issue the wiretap orders.

2 36. In each of their applications for a wiretap order or continued wiretap order,  
3 Agent Tarwater and Agent Keopke swore that normal investigative procedures had been  
4 tried and failed. These statements were false, because the primary target, Sherman  
5 Mazur, had cooperated on his own with the FBI in the past, and there was no reason to  
6 believe he would not continue to cooperate with the FBI if asked. This fact was left out  
7 of Agent Tarwater and Agent Keopke's affidavits.

8 37. At the hearings on the motions to suppress in the underlying action before  
9 Judge Wilson, Agent Tarwater admitted there was no probable cause for the wiretap of  
10 Mazur that eventually ensnared Mr. Brunoehler:

11 *Q: So to the best of your memory, did you reach a conclusion before that March*  
12 *wiretap about whether to include Mazur as a target?*

13 *A: We did. We discussed how little we knew about his role, his knowledge, how*  
14 *little we knew about he fit in with the participants. And we came to the conclusion*  
15 *that he – we do not have P.C. to believe he was committing the target offenses.<sup>1</sup>*

16 Agent Tarwater also admitted on the stand that he knew the information he had  
17 given Judge Fischer in the wiretap application was false:

18 *Q: So you knew that when you wrote these words . . .that Mazur had been*  
19 *previously interviewed with the FBI, and did not disclose his involvement*  
20 *with, or knowledge of the target subject – that that statement was false?*

21 *A: It was not well put.*

22 *Q: I'm not using the word "well put, and I'm not asking whether you agree with*  
23 *the word "well put." I'm asking you to use the word "false." You knew that*  
24 *statement was false, correct?*

25 *A: Yeah, I don't think it's accurate.*

26 *Q: Which is another way to say false, correct?*  
27

28  
<sup>1</sup> February 6, 2014 Transcript of Proceedings (TR) in Case Nos. CR-2013-0048 SVW and CR-2013-0062 SVW at 33.

1 A: *Correct.*<sup>2</sup>

2 Agent Tarwater also stated:

3 Q: *I think the Court pointed out, or asked you the question, in the entire*  
4 *affidavit, all 111 pages of it, do you include any of Sherman Mazur's past*  
5 *cooperation with the FBI?*

6 A: *No.*

7 Q: *And on March 2011 when you submitted this affidavit to Judge Fischer, I*  
8 *think you said you knew about Sherman Mazur's cooperation with the FBI*  
9 *in 2006, correct?*

10 A: *I said I knew he'd been interviewed, and I knew what I had been told by my*  
11 *supervisor.*<sup>3</sup>

12 Finally, Agent Tarwater admitted he did not give Judge Fischer all the required  
13 information:

14 Q: *But you didn't give Judge Fischer the facts so that she could make an*  
15 *independent determination herself [as to whether or not to issue the wiretap*  
16 *orders], correct?*

17 A: *Regarding the Mazur history, no, sir. At this point, no, sir.*<sup>4</sup>  
18

19 38. Even Judge Wilson, recognized that Tarwater had misled Judge Fisher in  
20 issuing the wiretap orders.

21 THE COURT: *So what has happened is that the agent's [Tarwater] position is*  
22 *that, yes, as you point out, Mr. Hochman, that there were consensual calls,*  
23 *they were in the files of the FBI. Your position is that a reasonable*  
24 *investigation would have turned these calls up and the transcripts of these*  
25 *calls, correct?*

26 MR. HOCHMAN: *Yes, Your Honor.*  
27

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28 <sup>2</sup> TR at 75.

<sup>3</sup> TR at 54.

<sup>4</sup> TR at 81-82.

1        *THE COURT:*        *And that either the witness [Tarwater] is in reckless disregard,*  
 2                                *or more so, in not pursuing it, correct?*

3        *MR. HOCHMAN:* Yes, Your Honor.<sup>5</sup>

4        39. Unfortunately lying (or material omissions) by law enforcement officials is  
 5 not just a one-off thing that occurred only in this case. Last year former Chief Judge of  
 6 the U.S. Court of Appeals for the Ninth Circuit, in a dissent, commented that misconduct  
 7 by law enforcement officials is an “epidemic,” and “[o]nly judges can stop it.” *United*  
 8 *States of America v. Olson*, 737 F.3d 625, 626 (9th Cir. 2013) (Kozinski, J., dissenting).  
 9 Last month, in oral argument, former Chief Judge Kozinski ordered the attorney arguing  
 10 from the California Attorney General’s Office to contact the Attorney General to  
 11 determine whether the prosecutor who gave false testimony in that case should be  
 12 prosecuted for perjury. Judge Kozinski stated: “It will look terrible when we write it up  
 13 and name names.” The three-judge panel showed great concern that perjury by law  
 14 enforcement official goes unpunished, and is the usual way of doing business. *Baca v.*  
 15 *Adams*, 13-65132 (9th Cir. Jan. 8, 2013).<sup>6</sup>

16        40. On Monday, prosecutors moved to vacate the conviction in a murder-for-  
 17 hire case after it was disclosed that Riverside County prosecutors falsely denied that a  
 18 key witness was rewarded for his testimony.

19        41. Earlier this month, federal prosecutors from the Eastern District conceded  
 20 they had failed to give exculpatory documents to lawyers for an environmental activist  
 21 convicted of conspiracy in 2007. He was released from prison.

22        42. In October, a federal judge in Los Angeles dismissed an indictment against  
 23 two defendants in a health care fraud case after learning prosecutors failed to disclose  
 24 details of a plea agreement with a witness.

25        43. But for the omission that there were other less-intrusive, normal  
 26 investigative procedures open to them, the wiretap orders would not have been issued and  
 27

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28        <sup>5</sup> TR at 84-85.

<sup>6</sup> The video of the hearing can be found at:  
<https://www.youtube.com/watch?v=2sCUrhgXjH4>.

1 Mr. Brunoehler would not have been indicted and arrested, or suffered damages as a  
2 consequence. Other normal investigative procedures would have revealed that, for  
3 example, when Mr. Brunoehler was recorded saying there was “monkey business” going  
4 on at Biostem. But during course of his due diligence to the company, and only two  
5 months after his hire, he found numerous factual and procedural problems with the  
6 company which he reported to others as “monkey business,” He then set out to fix the  
7 problems which he had outlined to Biostem’s Board of Directors and key shareholders.  
8 The “monkey business” he was referring to was where Biotech employees had claimed to  
9 have a patent for technology to which they only had a provisional patent, and various  
10 other corporate issues. Mr. Brunoehler was reporting on the activities of Biotech  
11 employees prior to his hiring, not engaging in any “Pump and Dump” scheme. Other  
12 statements made by Mr. Brunoehler were otherwise innocuous statements. Or statements  
13 taken out of context, that gave the Named Agents, Unknown Agents or Supervisory  
14 Agents no reason to think there was probable cause that Mr. Brunoehler committed any  
15 of the crimes alleged in the indictment.

16  
17 **CLAIM FOR RELIEF FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW**  
18 **(*BIVENS* ACTION)**

19 44. Mr. Brunoehler realleges the preceding paragraphs as though fully restated  
20 herein.

21 45. This claim for relief is brought pursuant to *Bivens* for violations of Mr.  
22 Brunoehler’s rights under the Fourth and Fifth Amendments of the United States  
23 Constitution because the Named Agents, Unknown Agents and Supervisory personnel  
24 Agents monitored and intercepted and monitored Mr. Brunoehler’s telephone  
25 conversations, applied for, obtained and executed search warrants for documents  
26 concerning Mr. Brunoehler, caused Mr. Brunoehler to be indicted and arrested without  
27 probable cause. This claim for relief is to redress a deprivation, under color of authority,  
28 statute, ordinance, regulation, policy, custom, practice, or usage of a right, privilege, and  
immunity secured to Mr. Brunoehler by the Fourth and Fifth Amendments to the United

1 States Constitution.

2 46. During all times mentioned herein, the Named Agents, Unknown Agents  
3 and Supervising Agents acted under color and pretense of federal statutes, ordinances,  
4 regulations, policies, practices, customs, and usages of the United States of America.

5 47. During all times relevant to this Complaint, Mr. Brunoehler had the right  
6 under the Fourth Amendment to be free from unreasonable seizures by law enforcement  
7 officers without probable cause, and the right to be free from unreasonable searches and  
8 seizures of his person.

9 48. During all times relevant to this Complaint, Mr. Brunoehler possessed the  
10 rights guaranteed by the Fifth Amendment to not be deprived of liberty without Due  
11 Process of law, including but not limited to the right to be arrested by persons acting  
12 under the color of law that is intentionally or wantonly inflicted or which is accomplished  
13 with deliberate, reckless, or callous indifference to his constitutional rights.

14 49. The Named Agents, Unknown Agents, Unknown Supervisory Personnel,  
15 and each of them, acted specifically with the intent to deprive Mr. Brunoehler of the  
16 following rights and privileges guaranteed under the United States Constitution:

17 (1) Freedom from unreasonable seizures, in the form of intercepted telephone  
18 conversations without probable cause;

19 (2) Freedom from unreasonable searches, in the form of search warrants for  
20 documents concerning Mr. Brunoehler without probable cause;

21 (3) Freedom from unreasonable seizures, in the form of arrest without probable  
22 cause; and

23 (4) Freedom from a deprivation of liberty without Due Process of law.

24 50. After his indictment and arrest, Mr. Brunoehler suffered severe physical,  
25 emotional, and psychological damage as a result of the conduct of the Named Agent and  
26 Unknown Agents, and Unknown Supervisory Agents. Such damages includes, *inter alia*,  
27 the loss of Mr. Brunoehler's job as Chief Operating Officer at Biostem, and all income  
28 and employment benefits he was receiving under his contract with Biostem, and the loss  
of Mr. Brunoehler's wife who divorced him because of the indictment.

1           51. The Named Agents, Unknown Agents and Supervisory Personnel Agents  
2 subjected Mr. Brunoehler to the aforementioned deprivations by either actual malice or  
3 deliberate indifference and disregard of his civil rights.

4           52. As a direct and proximate result of the Defendants' actions Mr. Brunoehler  
5 suffered serious injury, included but not limited to feeling embarrassed, humiliated,  
6 worried, anxious, physically upset, fearful, chagrined, frustrated, angered, aggrieved,  
7 saddened, grief, impoverished, demoted, discriminated against, annoyed, anguished,  
8 pained, displeasure, exasperated, indignation, outrage, resentment, vexed, afflicted,  
9 irritated, and other assorted emotional distress and loss of enjoyment of life.

10 Mr. Brunoehler has also suffered economic damages for lost pay, employment benefits  
11 (including front pay and retirement benefits). Mr. Brunoehler has suffered economic  
12 damages for the loss of time defending himself against the charges in the indictment that  
13 could have been put to his own best use. Mr. Brunoehler also suffered severe damage to  
14 his reputation.

15           53. The full extent of Mr. Brunoehler's damages is not known at this time, but  
16 he will amend this complaint to set the full nature and extent of such damages once they  
17 have been ascertained with particularity.

18  
19           WHEREFORE, Mr. Brunoehler requests the following relief:

- 20           1. An award of damages for economic losses, back pay, front pay, employment  
21 benefits, physical injuries and emotional distress.
- 22           2. An award of punitive damages;
- 23           3. An award of costs, including attorneys' fees; and
- 24           4. Such other and further relief as the Court finds just and proper.

25 Dated: January 29, 2015                      LAW OFFICE OF THOMAS K. BOURKE

26  
27    By: /s/Thomas K. Bourke

28    Thomas K. Bourke  
  Attorney for Plaintiff Dwight C. Brunoehler



**JURY DEMAND**

Plaintiff hereby demands trial by jury.

By: /s/Thomas K. Bourke

Thomas K. Bourke

Attorney for Plaintiff Dwight C. Brunoehler